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VIA ELECTRONIC DELIVERY
[https://foiaonline.gov/]

National FOIA Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW (2310A)
Washington, DC 20460

Re: Freedom of Information Act Request

Dear FOIA Officer:

We submit this correspondence to the Environmental Protection Agency ("EPA" and "the Agency") pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and request the following records regarding EPA's Final *Human Health Toxicity Values for Hexafluoropropylene Oxide (HFPO) Dimer Acid and Its Ammonium Salt (CASRN 13252-13-6 and CASRN 62037-80-3) (also known as "GenX Chemicals")* (hereafter referred to as the "Health Toxicity Values").[1]

1. All records concerning the preparation of drafts and final versions of the Health Toxicity Values, including, without limitation:

    a. All records of communications among EPA employees concerning the draft and final Health Toxicity Values;
    b. Copies of any toxicity, environmental fate and effects, and physio-chemical properties data, studies and related information (published and unpublished) as well as analyses and evaluations (by EPA personnel and its contractors and consultants) of the quality, accuracy, scientific validity and reliability of the materials, publications, studies, data and information (published and unpublished) reviewed or consulted by EPA personnel (and its contractors and consultants) in the preparation of the draft and final Health Toxicity Values;
    c. Copies of the Systematic Review conducted by Agency personnel, its contractors, and consultants in the context of preparing draft and final versions of the Health Toxicity Values and descriptions and evaluations of

[1] EPA Document Number: 822R-21-010; October 2021

the strengths and weaknesses of the systematic review methods used, as well as other methods considered;

2. All materials made available to EPA contractors and consultants who were in communication with EPA personnel and records of all communications with such contractors and consultants concerning the draft and final Health Toxicity Values;

3. All materials made available to (including copies of communications with) potential and final peer reviewers (including any potential peer reviewers considered but not selected by EPA, its contractors and consultants) concerning the draft and final Health Toxicity Values;

4. All communications by EPA personnel with other parties (i.e., other than Agency employees and EPA's contractors and consultants and peer reviewers) concerning draft and final versions of the final Health Toxicity Values;

5. All communications among EPA personnel, its contractors and consultants, state and local government officials, and other parties concerning the potential regulatory and legal outcomes and consequences of the draft and final Health Toxicity Values, including future requirements concerning the need for additional studies or analyses, potential designations of the GenX chemicals as a "hazardous pollutant" or "toxic pollutant" or "hazardous substance" or "suspected, probable, or known carcinogen" or as substances which "present" or "may present" an "unreasonable risk" or other similar designation under any law or regulation administered by EPA.

The foregoing requests include, but are not limited to, all analyses, evaluations, toxicity assessments, studies or data collections or manipulations and communications between and among or internal to EPA personnel including those located within or collaborating with the: IRIS Program; National Center for Environmental Assessment; Office of Research and Development; Office of Pesticide Programs; Office of Water; Office of Air; Office of Chemical Safety and Pollution Prevention; as well as the National Toxicology Program.

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The fee category is commercial, and we agree to arrange for payment of reasonable search and production costs. If these costs exceed $1,500.00, however, please notify me before producing the records. We understand that we can expect a response from EPA within 20 days of receipt of this letter. If the scope of this request is such that you expect a delay in processing

it, please contact me immediately to reach an agreement upon a schedule for responding in installments.

We are not requesting, and ask that the Agency redact from (rather than withhold) the document or communication identified within the scope of this request, any information which has been recognized by EPA as being "confidential business information" as that term is defined pursuant to the Toxic Substances Control Act and EPA's implementing regulations.

If you deny all or part of this request, please cite each specific exemption you think justifies your withholding information and provide any severable portions of the records requested. Please also notify me of any appeal procedures available under the law.

Although a written reply is requested and expected, if you have any questions about this request or require any further information, please contact me at (202) 942-5468 or thomas.santoro@arnoldporter.com.

Finally, it is possible certain records we are requesting may be located at EPA's regional offices. We understand that the National FOIA Office will coordinate the production of our requested records from EPA's regional offices. Please let me know as soon as possible if this understanding is incorrect, and we will promptly submit a separate FOIA request to each of the EPA regional offices that may have records requested herein.

Thank you for your attention to this matter.

Sincerely,

Arnold & Porter Kaye Scholer LLP

By: Tom Santoro

Thomas E. Santoro

CC:
Joel M. Gross, Arnold & Porter
Lawrence E. Culleen, Arnold & Porter